

ORIGINAL

Julian A. Miller

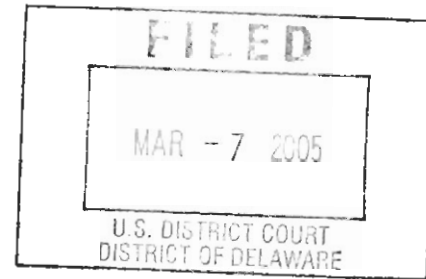
393626

Delaware Correctional Center

1181 Paddock Road

Smyrna, Delaware 19977

In propria personam



In The United States District Court
For The District of Delaware

Julian A. Miller

Plaintiff,

v..

STANLEY TAYLOR, individually and in
his official capacity as Commissioner
of the Delaware Department of Corrections:

THOMAS CARROLL, individually and in
his official capacity as Warden of the
Delaware Correctional Center at Smyrna:

DR. ALIE, individually and in her
official capacity as Medical Director at
DCC Smyrna:

RN IFOMA, individually and in her
official capacity as Registered Nurse at
DCC Smyrna:

DEFENDANTS,

COMPLAINT

Civil Action No. 04cv1367
(CIVIL RIGHTS)

I. JURISDICTION

1. This is a civil action authorized by 42 U.S.C. sec. 1983 to redress the deprivation, under color of State Law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. sec. 1343. Plaintiff seek declaratory relief pursuant to 28 U.S.C. sec. 2201 and 2202

II. PLAINTIFF

2. Plaintiff JULIAN MILLER is and was at all times mentioned herein, prisoner of the state of Delaware, in the custody of the Department of Corrections of the State of Delaware. He is currently confined in the Delaware Correctional Center, Smyrna, Delaware

III. DEFENDANTS

3. Defendant STANLEY TAYLOR is the Commissioner of the Delaware Department of Corrections. He is legally responsible for the overall operation of the department and each institution under it's jurisdiction including DCC Smyrna
4. Defendant THOMAS CARROLL is the Warden of DCC Smyrna. He is legally responsible for the operation of DCC Smyrna and the welfare of all the inmates of that prison
5. Defendant DR. ALIE is the Director of the medical staff at DCC Smyrna. She is legally responsible for the overall operations of the medical department and for the health of all the inmates of that prison
6. Defendant RN IHOMA is a registered nurse of the medical staff at DCC Smyrna. She is legally responsible for the health of those inmates who comes under her direct supervision
7. Each defendant is sued individually and in his or her official capacity at all times mentioned in this complaint. Each defendant acted under the color of Delaware Law

IV. FACTS

8. On or about January 15, 2004, Plaintiff MILLER's feet began to ache in and around the arch area. Plaintiff MILLER began soaking his feet at night and massaging them to sooth the ache. This worked for a week or two.
9. When Plaintiff MILLER realized that the pain was getting worse he submitted a sick- call slip to be seen at medical. The first slip was submitted Jan. 27th, 2004. It has not been returned as of 2-8-2005. It should be a part of Plaintiff's medical files.
10. On Feb. 4th, 2004, Plaintiff MILLER was seen by Defendant RN IHOMA who upon hearing symptoms and nature of plaintiff's complaint, immediately stated that "we do not issue sneakers or corrective shoes anymore". All actions henceforth mentioned and documented herein is consistent with

- the implementation and follow-through of this practice of policy.
11. On Feb. 16th, 2004, Plaintiff MILLER submitted a second sick-call slip explaining his inability to sleep or walk properly due to the pain and suffering that he was experiencing as a result of this condition not being treated.
 12. The sick-call procedure is as follows: A sick-call slip is submitted and the inmate is put on a list to appear at the infirmary to see a nurse or doctor. In this instance, Plaintiff was not put on a list and therefore couldn't appear at the hospital. Instead, defendant RN IHOMA mailed plaintiff a reply which stated he'd already been seen on this issue; even though nothing was done the first time. SEE EXHIBIT A
 13. A copy of this and all sick-call slips, letters, requests and grievances are included in this complaint as EXHIBITS A-Z and used as confirmation of statements herein made.
 14. On Feb. 22nd, 2004, Plaintiff MILLER submitted a 3rd sick-call slip alerting the medical staff to the fact that Tylenol prescribed by Defendant RN IHOMA had absolutely no affect on his pain. It also made reference to plaintiff MILLER not getting proper sleep at night because of the pain. SEE EXHIBIT B
 15. On March 4th, 2004, Plaintiff MILLER submitted a grievance complaining about his condition worsening. It also mentioned that arch supports supposedly ordered on Feb. 4th, had not been received by plaintiff MILLER as of yet. SEE EXHIBIT C1 and C2
 16. On March 9th, 2004, Plaintiff MILLER submitted a 4th, sick-call slip complaining about not being able to get proper sleep because of pain. IT also mentions that Plaintiff hadn't received arch supports ordered on 2 - 4 - 04. SEE EXHIBIT D
 17. On March 13th, 2004 Plaintiff Miller wrote a letter to defendant and Medical Director DR. ALIE to acquaint her with his situation. SEE EXHIBIT E The details of that letter included: the pain being experienced; the progression of the injury; the fact that plaintiff submitted sick-call slips, a grievance, and had been seen by defendant RN IHOMA, who had supposedly scheduled plaintiff to see her (defendant DR. ALIE) as seen in EXHIBIT C2; and that plaintiff felt to be getting "inadequate treatment". as documented in EXHIBIT E
 18. Plaintiff MILLER recieved a reply to this letter two months later stating that he would be seen (or scheduled to be seen) by defendant DR. ALIE soon as recorded on the back of EXHIBIT E.

19. On March 21st, 2004, Plaintiff Miller submitted a fifth sick-call slip which detailed the pain he was having and the fact that the swelling had increased and now included Plaintiff's feet and ankles. This sick-call slip was not returned to plaintiff and should be included in plaintiff's medical records.
20. On March 25th, 2004, plaintiff MILLER was called before RN TERRY HASTINGS who was sent to mediate a grievance filed on March 4th, 2004. Two days prior to this meeting Plaintiff was given some hard plastic arch supports that had supposedly been ordered in January, but by now Plaintiff's arches had completely fallen and those arch supports actually added to the pain plaintiff was experiencing. Plaintiff was told to try arch supports for a month or two and if they didn't help, to file another grievance. SEE EXHIBIT C2
21. On April 7th, 2004, Plaintiff MILLER submitted a 6th sick-call slip which detailed the pain and swelling of his feet, ankles and legs up to his calves. It also mentioned that Plaintiff had yet to receive a response to the sick-call slip that was submitted on March 21st. It was not returned to Plaintiff and should be a part of plaintiff's medical records.
22. On April 19th, 2004, Plaintiff MILLER submitted a second grievance. The details of that grievance included: Plaintiff's concern that the situation going untreated may have led to something else and Plaintiff MILLER requested to be examined to confirm or deny such concerns. It also mentioned pain, not being able to sleep properly and the fact that plaintiff was told he would be scheduled to see defendant and Medical Director DR. ALIE. SEE EXHIBIT F1 and F2
23. Plaintiff will note at this time that it has been 3 months since the first or initial complaint and plaintiff haven't yet been visually examined, even amidst the many complaints already filed.
24. The grievance procedure (according to prison guidelines) should go as follows: A grievance is submitted and within 10 working days inmate should go before an intermediate who attempt to resolve the grievance before it goes to the next level. If intermediate cannot resolve grievance, their job or duty is to refer it to a Level 2 hearing which go before a board or committee who either confirm or deny complaining party's request.
25. On May 4th, 2004, Plaintiff MILLER was called to medical to see defendant DR. ALIE- Medical Director; two months after plaintiff wrote her a letter describing his situation. Plaintiff MILLER began to redirect defendant DR. ALIE's attention to his condition because; 1) he knew that she dealt with many patients and 2) it had been 2 months since his letter had been wrote to her. About 2 sentences into plaintiff's explanation, defendant DR. ALIE interrupted abruptly and said " we are not here to talk about your feet". Plaintiff then showed defendant DR. ALIE the letter that he had written to her (EXHIBIT E) and the grievance that said he was scheduled to see her (EXHIBIT C2). DR. ALIE then (without any examination) told plaintiff MILLER that " he didn't qualify for sneakers or orthopedic shoes". Plaintiff MILLER asked DR. ALIE to put that in writing and she said "sure". SEE EXHIBIT C2
26. On May 7th, 2004, Plaintiff was called to medical to see RN EDITH RIVERA, who was the grievance mediator that week. At this time RN EDITH RIVERA made plaintiff aware that DR. ALIE had diagnosed his condition as postherpetic neuralgia and had issued and ordered a medication called gaba pentin. All this without ever examining plaintiff's feet or discussing it at all with plaintiff. This diagnosis was written in plaintiff's files after plaintiff left defendant DR. ALIE's office on May 4th, 2004, SEE EXHIBITS C2 and F2

27. On May 14th, 2004 Plaintiff MILLER submitted a third grievance which mentioned problems walking and plaintiff requested to go to an outside hospital. Exhibits G1, G2, and G3
28. On May 14th, 2004, also; Plaintiff MILLER wrote a letter to the following authorities: 1) DCC Commissioner STANLEY TAYLOR; 2) DCC Warden THOMAS CARROLL and 3) Support Services Manager JOE HUDSON, alerting all of them of his situation in depth; and to the fact that the medical staff was inadequate and deficient in treating his condition. JOE HUDSON was the only one out of the three to respond at all. EXHIBIT H
29. On May 17th, 2004, Plaintiff MILLER submitted an 8th sick-call slip which alerted medical staff to the fact that medication supposedly ordered on 5-4-04, plaintiff hadn't been issued or started yet. SEE EXHIBIT I
30. On May 24th, 2004, Plaintiff Miller submitted a 9th sick-call slip. It mentioned once again Plaintiff's pain and lack of sleep. Also medicine (tylenol) plaintiff was taking for pain prior to 5-4-04, when plaintiff was seen by defendant DR. ALIE was discontinued by defendant DR. ALIE on that date. SEE EXHIBIT J
31. On June 1st, 2004, Plaintiff MILLER submitted a sick-call slip mentioning pain and lack of sleep once again. SEE EXHIBIT K
32. EXHIBITS L and M are follow - up notes DCO Commissioner and DCC Warden (defendants STANLEY TAYLOR AND THOMAS CARROLL) alerting them that plaintiff haven't received any response from them and reminding them that the medical staff have not been providing adequate care.
33. On July 6th, 2004, Plaintiff MILLER submitted another sick-call slip requesting attention. It mentioned pain plaintiff has been experiencing plus continuous swelling. See EXHIBIT N
34. On July 6th, 2004, also, Plaintiff MILLER was called to medical to meet with RN TERRY HASTINGS to mediate a grievance submitted 5-4-04. RN HASTINGS informed plaintiff that he had now been approved for orthopedic shoes. SEE EXHIBIT G 3
35. On Aug 8th, 2004, Plaintiff submitted a 15th sick-call slip requesting to see a foot specialist and complaining of sharp pains that he was beginning to experience. SEE EXHIBIT O
36. On Aug 18th, 2004, Plaintiff was called to medical to attend a level 2 hearing headed by LINDA HUNTER (Director of First Correctional Medical services). The outcome of that meeting was that the board was supposed to recommend that Plaintiff see a foot specialist (Pediatrist) and that Plaintiff be recommended

for orthopedic shoes; even though Plaintiff **was** told more than a month before that he'd been approved for both.

37. On Sept 6th, 2004, Plaintiff MILLER submitted another grievance which was very abundant and specific in detail. It talked about pain; it requested to be seen by a specialist or to be sent to an outside consultant. It also talked about Plaintiff beginning to lose feeling in his feet and that he had not been able to sleep, exercise or walk properly for nine months. SEE EXHIBIT P
38. On Sept 7th, 2004, Plaintiff MILLER wrote a very detailed letter to the DCC Warden- defendant THOMAS CARROLL, telling him the full summary of his situation and how it was being handled. There was no way possible to be any clearer about the problem. SEE EXHIBIT Q
39. On Sept 9th, 2004, Plaintiff MILLER wrote a letter to the DCC Commissioner - defendant STANLEY TAYLOR which was just as detailed (if not more) as the letter to the Warden. SEE EXHIBIT R
40. On Oct 11th, 2004, Plaintiff MILLER wrote a letter to the DCC deputy Warden Betty Burris to acquaint her with his situation since he knew that she had a reputation for responding. SEE EXHIBIT U
41. On information and belief, defendant DR. ALIE prepared a memo in January 2004, which stated that the medical staff was no longer to issue orthopedic shoes or sneakers to inmates under any circumstances.
42. Defendant RN IHQMA conveyed this to plaintiff and show plaintiff the memo. She also knowingly neglected to properly treat or recommend proper treatment for his injury.
43. On information and belief the policy and practice of DCC upon bringing defendant DR. ALIE onboard as Director of the Medical Staff is/was to save money at all costs, even if it means denying inmates who require treatment (costly or non-costly) adequate care and even if such actions are essential to the conduct of a lawsuit.

44. Defendants STANLEY TAYLOR (COMMISSIONER) and THOMAS CARROLL (WARDEN) either knew about defendant DR. ALIE's "money saving" policies and practices or they should have known in the proper exercise of their official duties. But after Plaintiff MILLER wrote three letters to both fully detailing his situation there is no question that both ~~were/~~ are aware of such practices. And although both has the power and the legal duty to end these practices, both failed or refused to do so.

V. LEGAL CLAIMS

45. Plaintiff have been deprived of his right to " reasonably adequate" medical care which is gauranteed undre the Eighth Amendment to the United States Constitution. Courts have defined adequate medical care as "service at a level reasonably commensurate with modern medical science and of a quality acceptable within prudent professional standards" and at " a level of health services reasonably designed to meet routine emergency medical, dental, psychological or psychiatric care ".
46. Defendants failure to provide medical care needed by plaintiff MILLER constitutes 1) cruel and unusual punishment: in violation of the Eighth Amendment of the U.S. Constitution and 2) punishment without due process of law: in violation of the Fourteenth Amendment to the U.S. Constitution.
47. Defendants demonstrated " deliberate indifference " to serious medical needs of Plaintiff's; which has led to the " unnecessary and wanton infliction of pain " prescribed by the Eighth Amendment.
48. The defendants knew of and disregarded an excessive risk to Plaintiff's health and failed to act on a serious medical need even after Plaintiff continually complained of pain and requested to see a foot specialist. These complaints have continued for one full year (until present) without an examination of Plaintiff's

feet or any real treatment which has led Plaintiff to believe that they are being purposely ignored.

49. Plaintiff have been incarcerated for seven years and have suffered no such pain, nor are there any history of such pain prior to Jan 2004, before Plaintiff's arches fell. Plaintiff could walk properly exercise and run. Plaintiff also slept normally prior to Jan 2004.
50. The Plaintiff have no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff have been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which Plaintiff seeks.

WHEREFORE, Plaintiff respectfully pray that this court enter judgement granting Plaintiff:

1. A declaratory judgement that the defendants acts, policies and practices described herein violate Plaintiff's rights under the United States Constitution.
2. A preliminary and permanent injunction which:
 - A. Requires defendants THOMAS CARROLL (Warden) and DR. ALIE (MEDICAL DIRECTOR) to rescind the policy directive concerning denial of treatment and to have regulations which prohibits such practices in the future, especially when such treatment is necessary and can prevent unnecessary risk to prisoners health and safety.
 - B. Prohibits defendants, their agents, employees, successors in interest and all other persons in active concert or participation with them; from harassing, threatening, punishing or retaliating in any way against the plaintiff because he filed this action or from transferring Plaintiff to any other institution without his express consent, during the pendency of this action.
 - C. Requires defendants to treat Plaintiff to the best of their ability and to have Plaintiff seen by a foot specialist

(pediatric) to determine what course of action needs to be followed henceforth.

3. Compensatory damages in the amount of \$20,000. to Plaintiff MILLER from all defendants and each of them.
4. Punitive damages of \$20,000. from defendant DR. Alie and defendant RN Ihoma.
5. Trial by jury on all issues triable by jury.
6. Plaintiff's cost of this suit.
7. Such other and further relief as this court may deem just, proper and equitable.

Respectfully Submitted,
JULIAN A. MILLER
393626

Dated 3-3-05

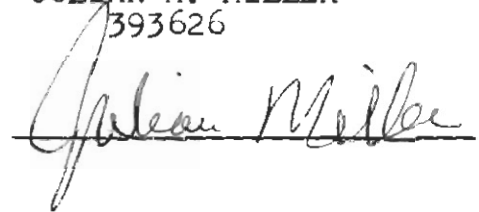
A handwritten signature in cursive script, appearing to read "Julian Miller", is written over a horizontal line.

EXHIBIT A

2nd Notice

**DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER**

This request is for (circle one): **MEDICAL DENTAL MENTAL HEALTH**

Julian Miller

Name (Print)

C BUILDING BR2

Housing Location

4-12-61

Date of Birth

393626

SBI Number

2-16-04

Date Submitted

Complaint (What type of problem are you having)?

My arch on my feet
has dropped. I cannot sleep at night
for the pain and throbbing. I'm also
barely making it from the building to
eat chow.

Julian Miller

Inmate Signature

2-16-04

Date

The below area is for medical use only. Please do not write any further.

S: You have been seen 2x on this matter Arch
Spotts has been ordered just takes 2x while pending approval
Cont. taking medication given Dr. Henry Jones

O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

Scheduled for chronic care in March (beginning)

A:

P:

Note: 3-17-04 I Julian spoke to Cpt Henry
Regarding the medical aspect of my situation
AND how it was affecting the relationship
with security i.e. How long it took me to get
E: from the building to the Chow hall and
when I go straight up to get a tray instead
of waiting behind 90 or so people, it sometimes

looked at as a problem with some of the
guards. She told me she couldn't do anything
because it was a medical issue.

3/1/99 DE01

FORM#:

MED

262

Date & Time

DELAWARE DEPARTMENT OF CORRECTIONS

REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES

FACILITY: DELAWARE CORRECTIONAL CENTER

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

Julian Miller

C BLOC - B-RZ

Name (Print)

Housing Location

4-12-61

393626

2-22-04

Date of Birth

SBI Number

Date Submitted

Complaint (What type of problem are you having)?

The medication that was issued to me for the pain in my feet does absolutely nothing. I cannot sleep at night because of the pain in my feet.

Julian Miller

2-22-04

Inmate Signature

Date

The below area is for medical use only. Please do not write any further.

S:

O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

A: You are scheduled to see Medical Plummer
NOTE: 4-26-04 Lt. Rider took me to medical to see why no one had responded to my

P: medical needs. There Dr. Ali and one of the assistant nurses told Lt. Rider that I was on the list to see Dr. Ali the next day. (4-27-04) Today is 5-1-04 and I haven't seen

E: her yet nor have I come up on the list.

FEB 23 2004

Provider Signature & Title

Date & Time

EXHIBIT C1

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : MILLER, JULIAN A	SBI# : 00393626	Institution : DCC
Grievance # : 2044	Grievance Date : 03/04/2004	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 01/27/2004	Incident Time : 00:00
GC : Merson, Lise M	Housing Location : Bldg C, Tier B, Cell R2, Top	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Feet began to ache on the bottom around the arch. on 2/4/04 loama ordered arch supports and i still haven't received them and my situation is worsening every day.

Remedy Requested : I am an indigent inmate and I would like at least to try those arch supports. I'm probably going to need a special shoe or sneakers though.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 03/12/2004
Investigation Sent : 03/12/2004	Investigation Sent To : Kratsas, Gina
Grievance Amount :	

EXHIBIT C2

Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : MILLER, JULIAN A	SBI# : 00393626	Institution : DCC
Grievance # : 2044	Grievance Date : 03/04/2004	Category : Individual
Status : Unresolved	Resolution Status:	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 01/27/2004	Incident Time : 00:00
GC : Merson, Lise M	Housing Location : Bldg C, Tier B, Cell R2, Top	

INFORMAL RESOLUTION

Investigator Name : Kratsas, Gina

Date of Report 03/12/2004

Investigation Report :

Reason for Referring:

Offender's Signature:

Julian Miller

Date

3/25/04

Witness (Officer)

Smythastings RN, HSA

Arch supports given to inmate on 3/22/04

Schedule Flu - Dr. Alie.

Inmate seen today 5/4/04
Does not qualify for medically
purchased shoes. Continue Arch supports
prn. see chart for bull note.

Dr. Alie
5/4/04

Resolved

EXHIBIT D

4th Notice

DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

JULIAN Miller

BUILDING BR 2

Name (Print)

4-12-61

Date of Birth

393626

SBI Number

Housing Location

3-9-04

Date Submitted

Complaint (What type of problem are you having)?

My feet are still
 keeping me awake most of the night
 throbbing. They are swollen, also.
 I have not received the arch support
 that I HOMA said she ordered on 2-4-04
 Julian Miller 3-9-04

Inmate Signature

Date

The below area is for medical use only. Please do not write any further.

S:

O:

Temp: _____

Pulse: _____

Resp: _____

B/P: _____

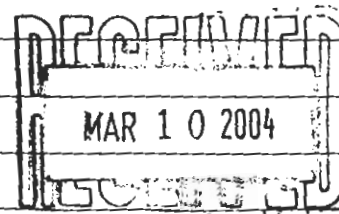
WT: _____

A:

Scheduled to see Medical Dr. Gonyea

P:

E:



Provider Signature & Title

Date & Time

DR. MILLER, EXHIBITE

According to the GRIEVANCE COMMITTEE's INTER-MEDIATE in my case, I'm supposed to be scheduled to see you in the very NEAR future. Teri Hastings - whom I saw 2-26-04 said she would schedule me an appointment in order to get my ~~GRIEVANCE~~ GRIEVANCE RESOLVED. I am writing to acquaint you with my situation. In JANUARY my feet began hurting around the arch area. Feb 4th I then ordered arch supports. And within MARCH my feet and ankles began to swell at night along with pounding or throbbing all through the night. MARCH 22 my arch supports came but by now my arches had fallen. MARCH 4th I filled out a grievance because I was in pain and I didn't feel to be getting "adequate treatment". MARCH 25th I saw Teri Hastings in regards to my grievance. By that time my feet and legs up to my calf were swollen. They usually swell at night and recede once I was up moving around, but now they remain swollen for days at a time. The arch supports that I have does not do anything but make my feet ache after I wear them for any length of time. The thing is I received them too late. My arches had already dropped when I got them. I'm gonna need either sneakers along with these supports, or corrective shoes. Also, what medicine they had ordered me for to take for pain they discontinued; but the pain didn't.

Thank you for your time

J. MILLER

5/3/04

Mr Miller,

We will schedule you to be
evaluated by me to determine whether
you are eligible to get medical shoes
or not .

Dr. Alie

EXHIBIT F1

Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : MILLER, JULIAN A SBI# : 00393626 Institution : DCC
Grievance # : 2919 Grievance Date : 04/19/2004 Category : Individual
Status : Unresolved Resolution Status : Inmate Status :
Grievance Type: Health Issue (Medical) Incident Date : 01/27/2004 Incident Time : 00:00
IGC : Merson, Lise M Housing Location : Bldg C, Tier B, Cell R2, Top

OFFENDER GRIEVANCE DETAILS

Description of Complaint: I would like to be examined to see if there's more going on with my feet then just fallen arches. I've been in pain now for 3 months. I can't sleep at night because of the pain in my feet legs and up. My calves swell when i lay on my side. I was supposed to be scheduled to see dr. alie sinfce march 25 as a result of my first grievance, but I haven't seen her yet.

Remedy Requested : I know I need corrective shoes and or sneakers. But I would also like to be checked to see what other damage has been done and why my feet and leg stay swollen.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES Date Received by Medical Unit : 04/26/2004
Investigation Sent : 04/26/2004 Investigation Sent To : Hastings, Terry L
Grievance Amount :

EXHIBIT F2

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : MILLER, JULIAN A	SBI# : 00393626	Institution : DCC
Grievance # : 2919	Grievance Date : 04/19/2004	Category : Individual
Status : Unresolved	Resolution Status:	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 01/27/2004	Incident Time : 00:00
IGC : Merson, Lise M	Housing Location :Bldg C, Tier B, Cell R2, Top	

INFORMAL RESOLUTION

Investigator Name : Hastings, Terry L

Date of Report 04/26/2004

Investigation Report :

Reason for Referring:

Inmate seen by Dr. Alie on 5/4/04 Started on
new med. for postherpetic neuralgia (gabapentin)

Offender's Signature:

Julian Miller

Date

5-7-04

Witness (Officer)

Edith Rivera, RN

MEDICAL GRIEVANCE

CASE #: _____

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

CCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : MILLER, JULIAN A	SBI# : 00393626	Institution : 0010
Grievance # : 3461	Grievance Date : 05/14/2004	Category : individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 05/14/2004	Incident Time : 00:00
IGC : Merson, Lise M	Housing Location : Bldg C, Tier B, Cell R2, Top	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: I have been having problems with my feet for quite a while now. I can barely walk. The medical staff does not seem to have any answers or concern. I would like to be sent to an outside doctor. Would you please make this an emergency. thank you.

Remedy Requested :

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 05/20/2004
Investigation Sent : 05/20/2004	Investigation Sent To : Hastings, Terry L
Grievance Amount :	

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : MILLER, JULIAN A	SBI# : 00393626	Institution : DCC
Grievance # : 3461	Grievance Date : 05/14/2004	Category : Individual
Status : Unresolved	Resolution Status:	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 05/14/2004	Incident Time : 00:00
IGC : Merson, Lise M	Housing Location : Bldg C, Tier B, Cell R2, Top	

INFORMAL RESOLUTION

Investigator Name : Hastings, Terry L

Date of Report 05/20/2004

Investigation Report :

Reason for Referring:

Seen by Dr. Alie 5/26/04 *
Has been approved for orthop. shoes. waiting for
specialist to come on site to fit to inmate.
Being moved to F-Block for short term until
shoes arrive.

Level II hearing to be scheduled.

Offender's Signature: Julian Miller

Date * : 7/16/04

Witness (Officer) : Terry Hastings

EXHIBIT #

SUPPORT SERVICES OFFICE

TO: *Julian Miller*
SBI#: 393626
C

FROM: *Joe Hudson*
Support Services Manager 

DATE: *May 19, 2004*

RE: *letter*

I will refer your health concerns to the D.C.C. representative that meets with medical weekly.

JH/ss

CC: *Major Cunningham*
Deputy Warden Burris
File

EXHIBIT I

8th

NOTICE

DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

JULIAN MILLER

C BLOC BR2

Name (Print)

4-12-61

Date of Birth

398626

SBI Number

Housing Location

5-17-04

Date Submitted

Complaint (What type of problem are you having)?

Supposed to start
 medication as of 5-4-04 for postherpetic
 neuralgia but haven't started it yet. My
 feet still in pain and swelling.

Inmate Signature

Date

The below area is for medical use only. Please do not write any further.

S:

O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

A: Referred to Pharmacy — I found

P:

E:

Provider Signature & Title

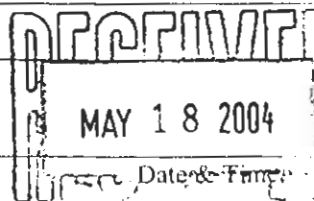


EXHIBIT J

4th Notice

14525

DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER
This request is for (circle one) MEDICAL DENTAL MENTAL HEALTH

Julian Miller ✓

C BLDG BRZ

Name (Print)

4-12-61

Date of Birth

393626

SBI Number

Housing Location

5-24-04

Date Submitted

Complaint (What type of problem are you having)?

My medication was discontinued 5-4-04 for pain and I still am in pain. I can't sleep over two hrs. without my feet throbbing. Plus my legs and feet swell up in my sleep.

Julian Miller

Inmate Signature

5-24-04

Date

The below area is for medical use only. Please do not write any further.

S: Scheduled for mid level provider - 5/25/04

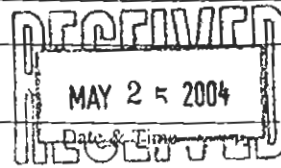
O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

A:

P:

E:

Provider Signature & Title



3/1/99 DE01

FORM#:

MED

263

14653 EXHIBIT R 11th Notice

DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER
This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

JULIAN MILLER

C BLDG B22

Name (Print)

Housing Location

4-12-61

393626

6-1-04

Date of Birth

SBI Number

Date Submitted

Complaint (What type of problem are you having)?

2 PROBLEMS. CAN'T SLEEP AT NIGHT FOR MORE THAN 2 HOURS AT A TIME FOR THE PAIN AND THROBBING IN MY FEET. (2) I HAVE DEVELOPED TWO LUMPS IN MY CHEST

Julian Miller

6-1-04

Inmate Signature

Date

The below area is for medical use only. Please do not write any further.

S:

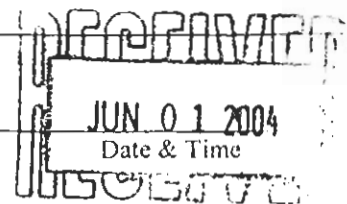
O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

A: scheduled to see Medical

P:

E:

Provider Signature & Title



TO: COMMISSIONER
FROM: JULIAN MILLER 393626
RE: Medical Complaint

6-14-04

EXHIBIT ~~A~~
L

MR. COMMISSIONER,

I wrote you a detailed letter concerning my condition with my health and the inadequate care that the medical staff (and in particular Dr. Alie and Nurse Thoma) has provided for me since January when it happened. It's been over a month and 1/2 now, and I've gotten no response. I was waiting to see if anything will be done on this level before taking it to the next level. A copy has been made of this

To: Thomas Carroll - Warden
From: Julian Miller 393626
Re: Medical Complaint

EXHIBIT 8
M

Mr. Warden,

I wrote you a detailed letter about my serious health problem with my arches of my feet and the inadequate care that the medical staff (and in particular Dr. Alie) has provided for me since January when it happened. I haven't got a response and it's been over a month and 1/2. I was writing to see if any thing is going to be done on this level before moving to the next level. Your consideration will be appreciated. Thank you.

15550

EXHIBIT N 14th NOTICE

**DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES**

FACILITY: DELAWARE CORRECTIONAL CENTER

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

JULIAN MILLER ✓

D F-22

4-12-61
Date of Birth

393626
SBI Number

7-6-04
Housing Location
Date Submitted

Complaint (What type of problem are you having)?

My FEET ARE
POUNDED WITH PAIN SO THAT I CAN'T
SLEEP AT NIGHT. THEY ALSO SWELL BAD
DURING THE DAY.

Julian Mills
Inmate Signature

7-6-04
Date

The below area is for medical use only. Please do not write any further.

S:

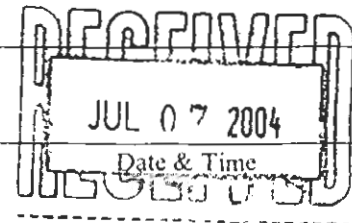
O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

A: Scheduled to see Medical. Check daily lists P. Jones

P:

E:

Provider Signature & Title



16368. ~~Exhibit C~~ 15th NOTICE

**DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER**

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

Julian Miller ✓

DBLOG F-22

Name (Print)

Housing Location

4-12-61

393626

8-8-04

Date of Birth

SBI Number

Date Submitted

Complaint (What type of problem are you having)?

I would like to
be examined by a foot specialist, I'm
getting sharp pains in my feet
at different times throughout the
day and night.

Julian Miller

8-8-04

Inmate Signature

Date

The below area is for medical use only. Please do not write any further.

S:

O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

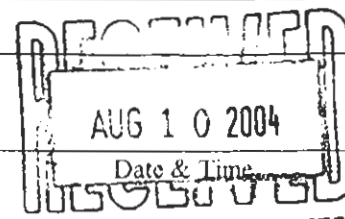
A: Scheduled to see Medical

J. Green

P:

E:

Provider Signature & Title



FORM #585

MEDICAL GRIEVANCE

FACILITY: DCC SMYRNA
INMATE'S NAME: JULIAN MILLER
HOUSING UNIT: D-EAST F-22

DATE SUBMITTED: 9-6-04
SBI#: 393626
CASE #: _____

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: _____

TYPE OF MEDICAL PROBLEM:

My arches in my feet began falling in JAN. 2004. This is Sept 6th 2004, and my feet hasn't even been examined as of yet, although I've made continuous and ongoing complaints about the pain and progression of this ailment. I've also requested to be seen by a foot specialist or to be sent to an outside doctor on at least 3 occasions that I have record of. I have begun to lose feeling in my toes at certain times plus I haven't been able to sleep, exercise or walk properly since JAN 2004. This ignoring of my situation demonstrates "deliberate indifference" and makes a "serious" situation "very serious"...

GRIEVANT'S SIGNATURE: Julian MillerDATE: 9-6-04

ACTION REQUESTED BY GRIEVANT: That some size 13 sneakers be ordered to replace these boots that I currently have because they aggravate my feet and I'd like to be examined by a foot specialist as I've requested before to determine what else is necessary...

DATE RECEIVED BY MEDICAL UNIT: _____

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

why it was taking me so long to get to ~~my~~ the mess halls from my housing unit. LT. Ryder ~~even~~ EVEN ESCORTED me over to medical on AN EMERGENCY visit to INQUIRE why two months had passed and nothing had been done for me. He spoke to DR. Hye personally who told him I was on the list to see her the next day - but it was a month later before I seen her. I say that to say it had become so obvious that EVEN a person with NO medical back ground could see I needed a doctors attention.

I haven't been able to walk, exercise or sleep proper since JAN and it appears that the medical staff is "deliberately ignoring" my complaints of pain and their lack of treatment has caused a very serious situation. I've begun to lose feeling in my toes from time to time along with the pain and swelling. Mr. Taylor you have the power and legal duty to intervene in this matter - I've gone far too long without treatment. This could have been avoided by them ordering me a \$40.00 pair of sneakers with support or even a \$200.00 pair of orthopedic shoes. Now I may have to have surgery. I would appreciate you acting in this matter. This is a copy of an original notice. Thank you for your time, J.H. Miller

you have the power and legal duty to intervene in this matter - for I have gone far too long and I've been very patient for nothing to have been done. This could have been avoided by ordering me a \$140.00 pair of sneakers with supports or even a \$200.00 pair of orthopedic shoes. Now I may have to have surgery and there's also the issue of liability. I would appreciate you act in this matter. This is a copy of the original in case I don't receive a response once again.

Thank you for your time
Respectfully

Julian Miller
393626

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 09/14/2004
EXIBITS

EXIBIT-5

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender:	JULIAN A	SBI#	: 00393626	Institution	: DCC
Grievance:		Grievance Date	: 09/06/2004	Category	: Individual
Status	Unresolved	Resolution Status	:	Resol. Date	:
Grievance Type	Health Issue (Medical)	Incident Date	: 09/06/2004	Incident Time	:
GC	Class: Use M	Housing Location	: Bldg D-EAST, Tier F, Cell 22, Bottom		

OFFENDER GRIEVANCE DETAILS

Description: My arches in my feet began falling in Jan 04. This sept 6 04 and my feet haven't been examined as of yet. although I've made continous and ongoing complaints about pain and progression of this ailment. I've also requested to be seen by a foot specialist or to be sent to an outside doctor on at least 3 occasions that I have record of. I have begun to lose feeling in my toes at certain times, plus haven't been able to sleep, exercise or walk properly since 1/04. this ignoring of my situation demonstrates deliberate indifference and makes a serious situation, very serious.

Remedy: That some size 13 sneakers be ordered to replace the boots that i currently have because they aggravate my feet; and I'd like to be examined by a foot specialist as I've requested before to determine what else is necessary.

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance :	YES	Date Received by Medical Unit :	09/14/2004
Investigation Sent :	09/14/2004	Investigation Sent To :	Hastings, Terry L
Grievance Amount :			

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender	JULIAN A	SBI#	: 00393626	Institution	: DCC
Grievance #		Grievance Date	: 09/06/2004	Category	: Individual
Status	Unresolved	Resolution Status:		Inmate Status :	
Grievance Type	Health Issue (Medical)	Incident Date	: 09/06/2004	Incident Time :	
IGC	Wilson, Lise M	Housing Location	: Bldg D-EAST, Tier F, Cell 22, Bottom		

INFORMAL RESOLUTION

Investigator: Hastings, Terry L Date of Report 09/14/2004

Investigator:

Reason for Grievance:

D. has denied
Issue to level II

Offender's Signature: _____

Date : 9/21/04

Witness (Officer) : Terry Hastings RA